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ABSTRACT

This report, an examination of the administration of the federal Juvenile Justice Act from 1974 to the present, outlines the findings and recommendations of the National Advisory Committee for Juvenile Justice and Delinquency Prevention. Following a statement of the proposed new direction in delinquency prevention, which focuses on the serious, violent, chronic delinquent, the four major findings of the committee are discussed: (1) a small number of youths account for a large proportion of serious juvenile crime; (2) since 1974 very little federal money has been directed at controlling the chronic, serious delinquent; (3) the wording of the Juvenile Justice Act diverts federal money to noncriminal aspects of delinquency; and (4) the 1974 act implemented a view of delinquency prevention not consistent with what is now known. The principle recommendations of the committee are detailed including the establishment of a new federal policy focusing on serious juvenile offenders by providing research, dissemination, and training; encouraging innovation and diversity; assisting states and local governments in dealing with delinquency problems; and including all juvenile offenders in the federal initiative, even those tried as adults. (MCF)

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U.S. Department of Justice
Office of Juvenile Justice and Delinquency Prevention

ED246356

Serious Juvenile Crime

A Redirected Federal Effort

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CG 017598

MARCH 1984

Report of the
National Advisory Committee for
Juvenile Justice and Delinquency Prevention

Dear Mr. President and Members of Congress:

I am pleased to submit this report of the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

The members of the NAC have spent much of the past year reviewing the Federal response to the growing problem of juvenile crime, discussing and debating the question of how that response can be improved. We have studied carefully the programs of the Office of Juvenile Justice and Delinquency Prevention and worked closely with members of its staff to review the efforts of other Federal agencies which focus on prevention of juvenile delinquency. We have consulted widely with experts in the field—including juvenile judges, law enforcement officers, prevention and treatment program administrators and juveniles actively involved in the system—and have sought, received and carefully evaluated the views of the State Advisory Groups set up under the Juvenile Justice and Delinquency Prevention Act of 1974. In the end, we have reached unanimous conclusions and recommendations.

We believe the time has come for a major departure from the existing philosophy and activity of the Federal government in the juvenile justice field. Over the past ten years the Federal government has funded or undertaken a wide array of programs ostensibly designed to deinstitutionalize so called "status" offenders, separate juveniles from adult offenders and prevent juveniles at risk from becoming delinquents. Much of what was done was good; some was not. Few, if any, of these programs focused, however, on what we believe to be the major problem confronting our nation in the juvenile justice arena: *the serious, violent, chronic delinquent.*

Numerous studies—and our own experiences—demonstrate that most serious juvenile crime is committed by a small core of chronic offenders. Logic suggests that a dramatic reduction in juvenile crime could be achieved if we improve our ability to identify, apprehend, prosecute and treat or incarcerate these juveniles. The NAC believes this ought to be the principal focus of a redirected Federal effort in the juvenile delinquency area.

The Committee recognizes there are a few critical activities in the fight against delinquency that the Federal government can perform better than state and local governments. These include certain kinds of research and demonstration projects, information sharing, and training and technical assistance. Accordingly, we recommend a continuing Federal effort in these areas.

We hope that this report will contribute meaningfully to the public debate on juvenile justice issues and will be of use to the Administration and the Congress in reshaping Federal policy in this vitally important area.

Respectfully submitted,

Charles B. Wilkinson
Chairman

During the past year, the National Advisory Committee for Juvenile Justice and Delinquency Prevention (NAC) has carefully examined the administration of the Federal Juvenile Justice Act from its 1974 enactment to the present.[1] We reached unanimous conclusions that call for a major departure from the existing philosophy and activity of the federal government. The lessons of history and the realities of the 1980s cry out for a redirected federal initiative in juvenile justice.

New Direction, New Focus

The task of highest priority in the field of juvenile delinquency is to deal directly and decisively with that small core of youth who are responsible for much of the nation's crime.

If a cross-section of Americans were asked their greatest concern about juvenile delinquency, they would say, "We fear those youth who commit serious crimes—who rob, burglarize, mug, terrorize, and often kill." Asked what the federal government should do, they would shout, "Do something about youth who are committing these most serious crimes!" These are neither partisan questions nor partisan answers. They do not vary from poor to non-poor, from white to non-white, or from Democrat to Republican. Virtually everyone agrees on this point, yet the Juvenile Justice Act makes the chronic, serious, violent offender a relatively minor concern. The Office of Juvenile Justice and Delinquency Prevention is taking steps to rectify the situation, but these are only first steps.

The central finding of the National Advisory Committee is:

— *Federal policy in the field of delinquency should be reformulated to focus primarily on the serious offender.*

Our other principal recommendations are:

— Provide critical research, dissemination, and training functions that the federal government can perform better than states.

— Encourage innovation and diversity.

— Bring all juveniles who commit crimes within the scope of the federal initiative, including those who are processed in the adult criminal justice system.

— Administer the federal initiative through the Department of Justice.

This report elaborates on these recommendations and their rationale.

"But when we speak about violent crime one problem stands out above the rest — the plague of juvenile violence. Juvenile crime is more than a fact of life today; it is a fact of death." *Sen. Edward M. Kennedy*[2]

A Known Problem

Finding #1: A very small number of youth account for a very large proportion of serious juvenile crime.

By 1974, the year the Juvenile Justice Act was passed, the juvenile delinquency problem was no longer limited to youthful pranks and indiscretions. Juveniles were committing roughly one-third of all robberies and more than half of all burglaries.[3] But large numbers of youth were not involved in serious crime. Rather, a comparatively small number were making careers of crime—more than half of *all* arrests today are attributable to only six to eight percent of the youth population.[4] National Advisory Committee member, Judge Charles Wright, points out:

> **"No statistic draws our attention to the serious and violent delinquent more compellingly than the fact that less than 600 juveniles from approximately 500 families commit over 60% of the serious juvenile offenses in Philadelphia."**

Techniques that stop or reduce delinquency among that small group of chronic offenders could have a major impact on reducing juvenile crime. Concentrating on this aspect of delinquency would seem to be the natural, inevitable response for a federal agency charged with combating delinquency. It has not been.

The Problem Ignored

Finding #2: **Very little of the federal money spent since 1974 has been directed at controlling the chronic, serious delinquent.**

Special Emphasis Funding. From 1975 through 1980, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) spent $120 million on discretionary, "special emphasis" programs. Less than $12,000—one one-hundredth of one percent—was directed to "the violent juvenile offender." In fact, that specific category was not even created until 1980.[5]

Even when special emphasis programs involved serious offenders as clients, as they sometimes did, the emphasis was not on how to reduce their propensity to commit crime. Rather, money was spent on protecting them from a supposedly destructive juvenile justice system. The goal was to keep them out of the courts (diversion), and keep them out of correctional facilities (deinstitutionalization and restitution).

Formula Grants. The second program and funding technique implemented under the Juvenile Justice Act channeled money through participating states, which are required to comply with federal mandates as a condition of federal funding. Here, also, little focus was directed to serious offenders. Thus in 1981, only 12% of the $60.6 million channeled through the states was devoted to the violent/serious offender. By contrast, 40% was spent in efforts to comply with federal requirements to deinstitutionalize status offenders and separate juvenile and adult offenders.[6] Seventeen percent (17%) was spent to prevent delinquency.

The effect of OJJDP's lavish attention to minor and "status" offenders, who are disproportionately white, was described by Robert Woodson in his 1978 testimony before the House Subcommittee on Crime:

> **In brief, [OJJDP] is piloting the demise of the poor and minority youngsters in this nation by pursuing policies and programs that are fostering the development of a separate juvenile justice system: one for the white, middle-income youngsters and one for the minority, low-income youngsters. The principal cause of all this is OJJDP's missionary preoccupation with the deinstitutionalization of status offenders.[7]**

How could a federal agency charged with responsibility for anti-delinquency place so little emphasis on serious juvenile crime? The answers are to be found in the authorizing legislation, the Juvenile Justice Act of 1974.

The Wrong Priorities

Finding #3: **The Juvenile Justice Act, as now worded, diverts most federal funding to objectives that have very little to do with the criminal aspects of juvenile delinquency.**

OJJDP expenditures have faithfully reflected the specifications of the 1974 Juvenile Justice Act, as amended. The Act calls for special emphasis programs to develop "new approaches, techniques, and methods" *in this order* ...

— community-based alternatives to institutionalization,

— diversion of juveniles from the juvenile justice and correctional systems (including restitution programs),

— delinquency prevention through services to youth,

— statewide efforts to remove juveniles from jails for adults,

— statewide efforts to replicate programs designated as "exemplary" by the federal office,

— programs to keep students in schools and prevent expulsions,

— programs of "youth advocacy" aimed at improving services to youth,

— youth employment,

— increased conformance to due process in the juvenile justice system,

— amendments of state law to further the purposes of the federal Act,

— programs to assist police and courts in recognizing and providing for learning-disabled juveniles,

— prevention and treatment programs relating to juveniles who commit serious crimes.

Similar priorities apply to funds allocated to states as formula grants. Seventy-five percent must be spent on "advanced techniques" to achieve a variety of priorities. None of these priorities include identification of the serious offender, nor do they include protection of the public from the serious offender.[8]

To receive federal funds, states must guarantee the deinstitutionalization of all status offenders. They must separate juvenile delinquents from adult offenders. States must comply with a long list of other onerous requirements that fail to take into account the different situations that exist in fifty different states, and within each state.[9]

Deinstitutionalization and separation of adult and juvenile offenders are admirable goals in their intent, and many states have already changed laws and procedures to incorporate these goals. But good intentions are not the issue. The issue is: which of the above activities belong in a federal law-enforcement, criminal justice initiative? Which are better pursued by federal initiative than by state and local programs? Which are of high enough priority to warrant expenditure of scarce federal dollars?

Moreover, while many of these activities and programs need to be perpetuated, they should be implemented by federal agencies other than the Department of Justice. Worthy social programs should be vested in the Department of Labor (jobs for youth), the Department of Health and Human Services (health and welfare needs), and the Department of Education (appropriate and relevant education).

Another problem must be addressed. *The mandates that shape OJJDP's programs were based on faulty notions about how best to prevent and control delinquency, and how to deal with juvenile offenders.* The Act was passed at a time when its sponsors were more certain about the rightness of a particular philosophy than experience has warranted.

Uncertain Knowledge

Finding #4: **The 1974 Juvenile Justice Act sought to implement a view that is not consistent with what is now known about the causes and cures of juvenile delinquency.**

In 1974, Congress implemented a then popular theory about delinquents. That theory saw the delinquent as a victim, misunderstood and maltreated, "acting out" in ways that society deemed illegal, but not really responsible for his acts—the victim of excessive intrusions by the legal system. This perspective was compassionate and sensitive to problems that lie within life histories of many delinquents. In some respects, the theory was persuasive about the causes of delinquency. However, Congress' assertions about how to prevent or control delinquency were doubted even then. "The federal rationale (in the 1974 Act) placed considerable faith in a therapeutic model of delinquency prevention and treatment, a model which lost much of its empirical basis in the 1960s and early 1970s."[10]

More specifically, Congressional sponsors and the coalition of youth-service agencies that were the Act's most prominent backers argued that the juvenile justice system itself was to blame for much delinquency. It labeled youth as delinquent, thereby causing a self-fulfilling prophecy. Or it sent youth to institutions, "schools for crime," where they learned to become smarter and inveterate criminals. Neither assertion had an empirical basis. Neither has acquired one in the past ten years. But these claims were repeated so often and so loudly that people assumed they were right. Unsubstantiated theory governed policy: minimize punishment of juveniles whenever possible, rely only on prevention rather than emphasize correction and deterrence to reduce delinquency.

Ten years of experience and current evaluations persuade us that this medicine has not produced a cure. Extensive, detailed evaluation of deinstitutionalization and prevention efforts, conducted by people sympathetic to the underpinnings of the Juvenile Justice Act, state negative conclusions in unusually strong, unambiguous terms.[11] Even the National Council on Crime and Delinquency (NCCD) concluded, "There is a large gap between policy-makers' hopes and what can be accomplished by prevention programs funded under this broad notion."[12]

Let us make ourselves clear. We have no quarrel with the concept of prevention. Nor are we at odds with its advocates. We support and endorse prevention as it, when perfected, might be the only effective means of controlling juvenile delinquency. However, until then, our urban society cannot continue to suffer at the hands of the vicious juvenile.

Further, there is substantial agreement that the assertion that we can identify and classify status offenders as unique and different in all respects from delinquents is unsound.[13] The notion of preventing delinquency by means of a single, specific program is likewise unsound.[14] We have learned that delinquency fails to occur—is prevented—by caring parents with strong values and tightly-knit communities.[15] Government programs, particularly at the federal level, are conspicuously unable to create these conditions.

In addition to the failure of OJJDP programs to justify the philosophy behind the 1974 Act, the most cherished beliefs of supporters of the Act have consistently run afoul of the facts. Custodial treatment does not seem to make worse criminals out of delinquents; indeed, it seems to reduce substantially their criminal activity.[16] Students who drop out of school do not fall into delinquency more often than students who are induced to remain in school.[17] And early probation of offenders does not seem to "label" them and lead to more delinquency; rather, it seems to retard subsequent delinquency.[18]

Federal anti-delinquency policy has been based on ideas whose vogue has run far ahead of solid knowledge. The National Advisory Committee does not propose to replace them with other fads or fashions more congenial to us. Rather, we urge the government to limit its role and to restructure its priorities and programs so that states and localities may be helped to set their own priorities and discover their own solutions. To that end, we make the following recommendations.

A Need for Focus

Recommendation #1: **Any federal effort in the area of juvenile delinquency should focus primarily on the serious, violent, or chronic offender.**

The first and most important reason for this shift is that serious, violent, and chronic delinquency is by far the most important aspect of the whole juvenile problem. The federal initiative against delinquency is lodged appropriately in a law-enforcement criminal justice agency and should be shaped by law-enforcement and criminal justice considerations.

Second, we need to put truth in labeling back into federal efforts against delinquency. Existing federal legislation tries to do a multitude of "good things" for young people who have special needs. Only a few of these past activities have dealt directly with the delinquency problem. If they are to be funded, let it be on their own merits, not because of a "delinquency prevention" function they have failed to serve.

Third, we find additional support for our recommendations in the matter of cost effectiveness. When a large volume of crime, dramatically impacting victims and the public, is committed by a few juveniles, that target population should enable the federal government (and the states as beneficiaries) to achieve the best results with limited dollars.

Fourth, the federal initiative needs to find a balance between helping youth and protecting society. We emphatically agree with one point of the philosophy that shapes existing legislation: there are dangers in reacting too quickly and too harshly to delinquency. It is possible to do more harm than good. A positive contribution of the Juvenile Justice Act has been to encourage safeguards against overreaction to delinquency.

However, when we confront the serious, violent, chronic delinquent, much of the conflict between protecting society and helping such youth disappears. Those who become part of this small population are well on the road to the worst of all possible futures. It is no longer a question of avoiding interference with their normal development. Their development is already abnormal. Rather, the best thing we can do for the public is to reduce

"I will never forget the terror the burglar caused my three children . . ."

Canton, Ohio, juvenile burglary victim.

numerically the crimes they commit. The best thing we can do for the youth themselves is to decrease the probability of their spending their adult lives in prison. This is the one type of delinquent for whom few cures can be worse than the ailment.

An Appropriate Federal Role

Recommendation #2: **There are certain activities in the fight against delinquency that the federal government can perform better than states and localities. A federal initiative is warranted in these areas:**

(a) Meaningful research designed to teach us what works best, with what youth, and when.

(b) Limited, specific demonstration projects with credible evaluation components.

(c) Dissemination of information.

(d) Training and technical assistance.

States are floundering, understandably, in efforts to deal legally and programmatically with the vexatious problem of the serious, violent, or chronic offender. The federal government is an appropriate sponsor for carefully designed demonstration and research efforts. As answers are found (and false leads refuted), there is a further need for a central dissemination of information through training and technical assistance. We recommend that demonstration, research, and training focus on the following areas:

— Methods of dealing with the serious, violent, or chronic offender,

— Serious crime in schools,

— Victims of serious crime, including children,

— Neighborhood control of delinquency,

— Impact of substance abuse on the prevention and control of juvenile crime,

— Youth gangs,

— Linkage between the juvenile and adult justice systems, including record-sharing and transfer of cases, and

— Family roles in dealing with serious juvenile crime.[19]

A Need for Diversity

Recommendation #3: **The federal government should assist states, local governments, and private and public agencies in dealing with problems of delinquency, not impose its latest beliefs about best practice.**

While serious juvenile crime is the appropriate focus for a federal initiative, *the National Advisory Committee vigorously opposes any particular set of federally mandated rules for dealing with the problem.* To the extent that the federal initiative continues to distribute money to states, localities, and other agencies, these funds should not be tied to compliance with Congressional mandates about practice. Even the most basic guidelines are subject to so many exceptions and doubts that they often backfire, producing unintended consequences. An example illustrates this point. No guideline in current legislation seems more reasonable than prohibiting incarceration of juveniles with adults. And as long as the question is limited to the extremes, there are no ambiguities. No one advocates locking up 13-year-old shoplifters with hardened adult felons. But a difficult consequence follows when the mandate is arbitrarily imposed in other cases. What should be done when the delinquent is a 17-year-old armed robber, not a 13-year-old shoplifter, and the adult is an 18- or 19-year-old burglar? Is the 17-year-old more appropriately mixed with the 13-year-old shoplifter or does he have more in common with the 18- or 19-year-old "adult?" There is clear room for difference of judgment.

Thus, California is currently experimenting with approaches that sometimes mix individuals in the age group 16 to 24 as a single institutional population. Their claim is that members of this age group are similar in needs, maturation, and treatment potential.

The federal initiative should not discourage this kind of diversity and innovation. Yet, under the Juvenile Justice Act, California stands in violation of the "separation from adults" guideline. Given the current state of knowledge about delinquency, this straight-jacketing of ideas is inherent in many federal guidelines and mandates. It has no place in the federal initiative we advocate. The emphasis must be on supporting states and localities, not on imposing the federal government's latest theories.

Similarly, the federal initiative should be stripped of language that tries to define (implicitly or explicitly) serious, violent, or chronic offenders, or that tries to establish a national standard for who is a "juvenile." Federal definitions have no more objective validity than those adopted by states. For example, aggravated burglary is currently identified in the Uniform Crime Reports as a non-serious, property crime. When a youth breaks into a family residence in which members of the family are likely to be present, particularly at night, we believe a state should have a right to define that juvenile offense as a serious act of juvenile delinquency.

From a constitutional and historical standpoint, criminal and juvenile justice is the responsibility of state government. The decision of who is a juvenile and what constitutes a serious, violent, or chronic offender is uniquely appropriate for each state.[20]

The Problem is Juvenile Crime, Not Juvenile Court

Recommendation #4: **The federal initiative should include all offenders identified as juveniles by state law, even if prosecuted in the adult criminal justice system.**

In its search for solutions to the serious juvenile crime problem, states have recently enacted legislation requiring or permitting youth who commit certain crimes to be prosecuted

"There is a hard-core group of chronic delinquents with five or more offenses on record who kill, rape, rob, burglarize... These are the ones to whom we should devote much of our limited time, talent and money."

Marvin E. Wolfgang, Washington Post, *Dec. 13, 1983*

as adults, subject to adult sanctions. In some instances, these laws have been carefully considered. In others, the changes seem to have been the reaction of a frustrated public watching delinquents go unpunished for egregious crimes. Until recently, OJJDP has taken a hands-off attitude toward delinquents processed in the adult criminal justice system. This is inappropriate. One of the most important tasks in juvenile justice is to make juvenile and adult systems work together more effectively. The Department of Justice should be at the forefront in this effort.

A Serious Problem, A Useful Role

These unanimously adopted recommendations of the National Advisory Committee propose to transform the federal effort against delinquency. They evolve from no new exotic view of delinquency, nor from some strange new theory about what needs to be done. On the contrary, we simply have found one element of the delinquency problem—crime committed by the serious, violent, or chronic offender—to be of overriding importance. We have examined the state of knowledge about delinquency and find there are few truths that can be imposed upon states and localities as answers to delinquency. Many of the "truths" that motivated existing legislation have been proven wrong. We have examined the federal effort and believe that one role—helping to find solutions to the most serious delinquency—is most appropriate for the federal government. It is a straight-forward, practical, indispensable response that the federal government can execute better than individual states and localities.

The observations contained in this report are neither new nor the exclusive province of this committee. They are widely shared by juvenile court judges, other professionals who work with delinquents, and scholars. The National Advisory Committee advocates that the federal delinquency initiative concentrate its energies and its resources on the problem of the serious, violent, and chronic juvenile offenders. This direction would carve out the most useful role the federal government can play. We have for some time fit the words to the action, let us now fit the action to the words.

Notes

1. "Juvenile Justice Act" will be used as a short term for the "Juvenile Justice and Delinquency Prevention Act of 1974" (PL 93-415) as amended by PL 94-273, PL 94-503, PL 95-115, and PL 96-509.

2. International Association of Chiefs of Police meeting, October, 1978.

3. According to the Federal Bureau of Investigation's *Uniform Crime Report* data, which include annual figures from agencies reporting for a complete twelve month period, persons under 18 accounted for 33.4% of arrests for robberies and 53.5% of burglaries in 1974.

4. This finding has been most comprehensively documented in the two major surveys of Philadelphia youth conducted by a team of researchers at the University of Pennsylvania. As of the early 1960s, 6% of the young males in the study were committing 52% of the crimes attributable to that age group. As of the mid-1970s, 7.5% of the young males were accounting for 61% of the offenses. See Marvin E. Wolfgang, Robert M. Figlio, and Thorsten Sellin, *Delinquency in a Birth Cohort* (Chicago: University of Chicago Press, 1972) and Robert M. Figlio and Paul E. Tracy, *Chronic Recidivism in the 1958 Birth Cohort* (Washington: NIJJDP, 1983). Comparable findings have been reported in several other studies. See, for example, David P. Farrington, "Delinquency from 10 to 25," paper presented at the Society for Life History Research meeting on Antecedents of Aggression and Antisocial Behavior; Donna M. Hamparian, R.S. Schuster, Simon Dinitz, and John P. Conrad, *The Violent Few: A Study of Dangerous Juvenile Offenders* (Lexington, Mass.: D.C. Heath and Co., 1978); and Lyle W. Shannon, "A Longitudinal Study of Delinquency and Crime," in Charles Wellford (ed.)), *Quantitative Studies in Criminology* (Beverly Hills, Calif.: Sage Publications; 1978).

5. **TABLE 1. "Special Emphasis" Expenditures, 1975-80**

Special Emphasis Category	
Restitution	21,242,000
Prevention	17,214,759
"Model Programs"	16,348,899
Youth Advocacy	13,945,936
Deinstitutionalization	13,814,113
Diversion	12,584,280
"Project New Pride"	9,096,672
Alternative Education	7,944,352
Unsolicited Proposals	6,662,376
"Other"	918,076
Technical Assistance	212,682
Violent Juvenile Offender	11,998

"Model Programs" were funded at the discretion of the head of the Special Emphasis Division, and followed the prevailing favorite topics: diversion, prevention, etc. None was devoted to model programs for identifying and incapacitating serious offenders. "Project New Pride" refers to the replication in several sites of a community-based, non-residential program for adjudicated delinquents. The favored strategies are educational and counseling programs. Some of this money was expended on chronic delinquents (arrested several times), but only rarely on the chronic, serious, and especially violent offenders. This budget data was prepared by the OJJDP's Special Emphasis Division.

6. The term "status offender" has never been defined by the Congress, and is not used in the Juvenile Justice Act. "Status offender" is defined by regulation: "A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult." *Federal Register*, Vol. 46, No. 251, December 31, 1981, p. 63267.

7. Subcommittee on Crime of the Committee on the Judiciary, House of Representatives, *The Justice Department's Fight Against Youth Crime*, prepared by Robert W. Woodson, consultant to the Subcommittee on Crime (Washington: Government Printing Office, 1979, p. 3).

8. PL 93-415, Sec. 223(a)(10). "Advanced techniques" are listed under ten paragraphs (Sec. 223(a)(10)(A)(J)). The list leads off with programs to prevent delinquency. Then come diversion, community-based alternatives to confinement, encouragement of a "diversity of alternatives," establishment of "juvenile justice standards," and, finally, "pro-

grams for juveniles who have committed serious crimes." In order of listing, the advanced techniques themselves are: community-based services for delinquents, community-based services for families of delinquents, youth service bureaus to divert youth from the juvenile court, "advocacy" programs for "protecting the rights of youth impacted by the juvenile justice system," educational programs, expanded use of probation and the training of probation staffs, "youth-initiated programs," programs of incentives to local governments designed to remove juveniles from lockups, etc., programs to help learning-disabled delinquents, and programs to work with gang members.

9. The Juvenile Justice *Act* mandates that: status offenders—runaway youth, alcohol abusers, habitual school truants, etc.—must not be "placed in secure detention facilities or secure correctional facilities." PL 93-415, Sec. 223(a)(12)(A).

States must show that status offenders are placed in the "least restrictive alternatives appropriate to the needs of the child and the community ... in reasonable proximity to the family and the home communities of such juveniles ..." PL 93-415, Sec. 223(a)(12)(B), and while so placed must receive "medical, educational, vocational, social, and psychological guidance, training, special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services." PL 93-415, Sec. 103.

States must provide that no delinquent youth be "detained or confined in any institution in which they have regular contact with adult persons (convicted or charged with crime)." PL 93-415(a)(13).

OJJDP *regulations* expand the Congressional mandates: States provide three year comprehensive plans to detail how they will comply with the deinstitutionalization of status offenders mandate, listing "barriers the State faces in achieving full compliance," "an unequivocal commitment to achieving full compliance (with documentation)," Reg. Sec. 31.303(f), Department of Justice, OJJDP, Formula Grants, Sept. 3, 1981, as amended, August 16, 1983.

As to separation of juvenile delinquents and adult criminals, the regulations require a similar plan. They further define "regular contact" as "sight and sound contact with incarcerated adults, including inmate trustees." Reg. Sec. 31-303(g), supra.

Elaborate monitoring mechanisms and requirements of tendered assurances from the states are included. Sec. 31-303.

10. Solomon Kobrin and Malcolm W. Klein, *National Evaluation of the Deinstitutionalization of Status Offender Programs: Executive Summary* (Washington: U.S. Department of Justice, June, 1982), p. 8.

11. The DSO program was evaluated by a team of contractors headed by scholars from the University of Southern California. The prevention programs were evaluated in two independent research programs; one conducted by the National Council on Crime and Delinquency Research Center and the other by the Westinghouse National Issues Center. In each case, the evaluation was a multi-year effort costing several hundred thousand dollars.

The DSO evaluation (two volumes and 1,200 pages) is summarized in an executive summary (Kobrin and Klein, op. cit.). Among many other discouraging results, the authors found that the "status offender" is not a useful way to discriminate some delinquents from others (p. 37); that "the removal of status offense cases from court jurisdiction may not only be unwarranted, but might well have impeded the achievement of this objective [of humaneness and equity]" (p. 37); that "[l]abeling theory is clearly a weak reed to support the expectation that simple avoidance of juvenile justice processing will effectively prevent delinquency" (p. 37); that (in direct contradiction to the expected results) "the program was associated with a consistent, statistically significant, if small, increase in recidivism in comparison with preprogram groups" (p. 31) *and* "residential treatment may be effective with higher risk offenders" (p. 38).

12. The reports of the two major evaluations of the prevention initiative are: National Council on Crime and Delinquency Research Center, *The National Evaluation of Delinquency Prevention: Final Report* (San Francisco: NCCDRC, September 1981); Grant Johnson, Tom Bird, Judith Warren Little, *Delinquency Prevention: Theories and Strategies* (Arlington, Va.: Westinghouse National Issues Center, April 1979). Other sources include the several monographs and working papers of the National Juvenile Justice Assessment Center on Delinquent Behavior and its Prevention, Center for Law and Justice, University of Washington.

The NCCD evaluation concluded:

> Data from this national study together with past research suggest that the idea of preventing delinquency remains excessively ambitious if not pretentious. There is a large gap between policy makers' hopes and what can be accomplished by prevention programs funded under this broad notion. As yet, social scientists have not isolated the causes of juvenile delinquency, but even if they were known it is not obvious that anything could be done about them. Many writers would agree that delinquency is generally associated with the growth of industrialism and social trends (e.g., poverty and racism) of such scope and complexity that they cannot easily be sorted out and remedied ... Given this perspective on delinquency it becomes fruitless or even naive to believe that highly generalized and often unclear directives to introduce prevention programs into heterogeneous target areas can curtail delinquency, (NCCD, op. cit., pp. 535-536).

In Johnson et al., op. cit., the authors reviewed the empirical record for the range of preventive strategies and summarized as follows:

> Explanations of delinquent behavior based on presumed personality differences, presumed biological differences, and a presumed connection between learning disabilities and delinquency have been subject to intense scrutiny and are not supported. On the basis of the evidence, individual psychotherapy, group counseling, casework, and other program efforts to apply these explanations should be rejected. In addition, early identification or selection for treatment based on personality test scores, individual socio-economic level, intact vs. broken homes, or criminal histories of parents is not recommended... Despite having some plausible theoretical or correlational basis, a number of programs should be rejected on the basis of their repeated failure to demonstrate effectiveness in reducing delinquency after having been tried and evaluated. These include behavioral modification confined to treatment settings, wilderness programs without follow-up in clients' home communities, most forms of family therapy, recreation programs, employment programs that merely consume time, detached work in street gangs, and increasing the severity of punishment for wrongdoing (Johnson et al., op. cit., pp. 92-93).

13. The National Evaluation of the DSO program put the issue well, and is worth quoting at length:

> [T]he 1974 Act assumed the existence of a type of youth known as status offender. *Although the OJJDP guidelines specifically questioned this assumption on the basis of the review of prior studies*, and although some research throws into question the existence of status offenders as a discriminable category of youths, the DSO program assumed the existence of status offenders. These are youths separate from, and therefore different from, delinquent offenders.
>
> What would happen if the assumption were incorrect, that today's status offender is tomorrow's delinquent and vice versa? If this interchangeability of offenses were to be the rule, then an antidetention or deinstitutionalization program based on one set of behaviors alone could be meaningless, an arbitrary response to an occasional symptom of a broader syndrome. One would have to reorient programming to a status offense, not a status offender program, a program rationalized primarily on legal grounds rather than humanitarian or treatment philosophies. These latter grounds, however, are the foundation of DSO. Our own analysis of this issue suggests on the contrary that a relatively small proportion of youth cited for a status offense are of a special status offender "type" (Kobrin and Klein, op. cit., p. 15. Emphasis added).

14. See the extended quotations in note #12.

15. There has long been a gap between theory and hope in the prevention of delinquency. Theoretical analysis—e.g., Robert K. Merton, *Social Theory and Social Structure* (Glencoe, [1].: The Free Press, 1957) and Travis Hirschi, *Causes of Delinquency* (Berkeley, Calif.: University of California Press, 1969), to name two of the more commonly cited works—have never held out hope for magic bullets. The impetus for cause-specific treatments has come primarily from practitioners of the various hoped-for cures. Joseph G. Weis, writing in *Delinquency Prevention: An overview for Policy Development* (unpublished monograph prepared for OJJDP, 1982), expresses the current emphasis on multifactor approaches:

> Prevention programs should address the elements of the child's environment which most directly affect his or her future: education, employment, community, family and peers. Promising strategies in each of these areas are provided as examples. Practitioners and researchers who have attempted these strategies caution that no one strategy *by itself* can be expected to alter a child's environment sufficiently to preclude delinquent behavior by those children already alienated and who have little sense of self-worth. (p. II-8. Emphasis in the original.)

16. The major studies are Kobrin and Klein, op. cit., Lamar T. Empey and Maynard L. Erickson, *The Provo Experiment* (Lexington, Mass.. D.C. Heath and Co., 1972), Lamar T. Empey and S.G. Lubeck, *The Silverlake Experiment* (Chicago: Aldine, 1971), and Charles A. Murray and Louis A. Cox, Jr., *Beyond Probation: Juvenile Corrections and the Chronic Delinquent* (Beverly Hills, Calif.: Sage Publications, 1979).

17. Delbert S. Elliot and H. Voss, *Delinquency and Dropout* (Lexington, Mass.: D.C. Heath and Co., 1974).

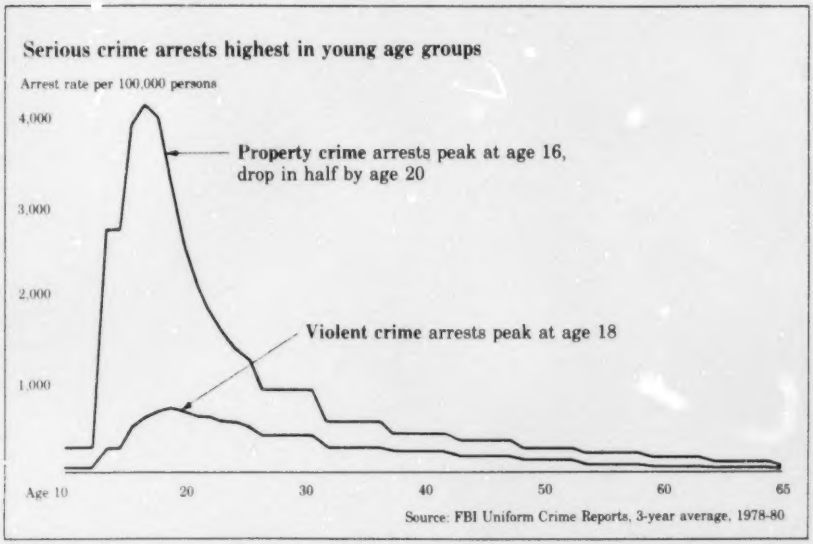
18. Charles A. Murray, *Days in Court* (Washington: NIJJDP, 1980). More generally, research into deterrence has been especially active in the last decade and has yielded a variety of provocative and generally consistent results. For a review, see James Q. Wilson, *Thinking About Crime*, revised edition (New York: Basic Books, 1983), Chapters 7-10.

19. A recent Bureau of Justice Statistics report confirms the appropriateness of focusing on these areas. They found that "serious crime arrests are highest in young age groups" (see graph below) "participation in crime declines with age," "gang membership is a major difference between youth and adult criminals," and that "there is a strong

probability of progression from serious juvenile to serious adult criminal careers" noting that serious juvenile offenders:

- Are predominantly male;
- Are disproportionately black and Hispanic as compared to their proportion of the population;
- Are typically disadvantaged economically;
- Are likely to exhibit interpersonal difficulties and behavioral problems both in school and on the job;
- Often come from one-parent families or families with a high degree of conflict, instability, and inadequate supervision."

Report to the Nation on Crime and Justice, BJS, NCJ 87068, October, 1983.



20. A Canton, Ohio, victim of a house burglary describes reactions to labeling aggravated burglary as a "property offense": "You are correct in ... stating no physical harm was caused by anyone in the break-in, because my family was not harmed ... physically. However, I will never forget the terror the burglar caused my three children to endure that night as we returned home to discover our ransacked house ... The additional fear of possibly encountering the unknown assailant has made a lasting impression on their young minds that will haunt them for years to come..." *Richard J. Schillig, Letter to the editor, The Canton Respository*, December 12, 1983.

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